

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 7, 2008

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No. 07-10765  
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Charles R. Fulbruge III  
Clerk

STEVE WEINBERG;

Plaintiff-Appellant;

v.

NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION, RICHARD  
BERTHLESON, GENE UPSHAW, TOM DEPASO, TRACE ARMSTRONG,  
ROGER KAPLAN, JOHN COLLINS, KEITH WASHINGTON, TONY  
AGNONE, HOWARD SHATSKY, and MARK LEVIN;

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:06-CV-2332  
\_\_\_\_\_

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Steve Weinberg argues that the district court erred when it granted the motion to compel arbitration and to dismiss the petition filed by Defendants-Appellees National Football League Players Association ("NFLPA"), Richard Berthleson, Gene Upshaw, Tom DePaso, Trace Armstrong, John Collins, Keith Washington, Tony Agnone, Howard Shatsky, and Mark

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Levin. Having reviewed the briefs, heard oral argument, and considered the record, we agree with the district court that all of Weinberg's claims against the aforementioned Defendants-Appellees fall within the scope of the arbitration clause in Section 5 of the NFLPA Regulations. Accordingly, we AFFIRM the grant of the motion. However, we VACATE the district court's order regarding Defendant-Appellee Roger Kaplan, and we INSTRUCT the district court to consider Kaplan's motion to dismiss on remand.

AFFIRMED IN PART, VACATED IN PART, REMANDED.